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15 Attorneys for Plaintiff

16 **SUPERIOR COURT FOR THE STATE OF CALIFORNIA**  
17 **COUNTY OF LOS ANGELES**

18 Coordination Proceeding  
19 Special Title (Rule 1550(b))

20 ANTELOPE VALLEY GROUNDWATER  
21 CASES

22 RICHARD A. WOOD, an individual, on  
23 behalf of himself and all others similarly  
24 situated,

25 Plaintiff,

26 v.

27 LOS ANGELES COUNTY  
28 WATERWORKS DISTRICT NO. 40; et al.

Defendants.

Judicial Council Coordination  
Proceeding No. 4408

(Santa Clara Case No. 1-05-CV-049053,  
Honorable Jack Komar)

Case No.: BC 391869

**RICHARD WOOD'S OPPOSITION  
TO MOTION TO STAY**

Date: August 17, 2009  
Time: 9:00 a.m.  
Dept.: 1

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **A. The Court Should Not Stay the Proceeding**

3 A small number of parties, not including some of the larger water purveyors,  
4 request a stay so that their principals can continue settlement negotiations. Plaintiff  
5 Richard Wood opposes the stay for the following reasons:

6 1. The proceeding has moved at rather slow pace to date, and not very  
7 much is likely to occur in the litigation over the next six months. Class formation will  
8 last until at least October and more likely November.

9 2. Plaintiff is fully in favor of settlement, and believes it is best way,  
10 and perhaps even the only way, to successfully resolve the issues presented in this  
11 proceeding. However, this case is too complex to be resolved by a group of principals. If  
12 the settlement process involved retaining a highly qualified neutral, Plaintiff would fully  
13 support it.

14 3. The proposal has little in the way of parameters. Who will run the  
15 process, who will attend, how often will they meet, and will they report to the Court or  
16 otherwise be subject to any proceeding? If lawyers are allowed, which ones will be  
17 present? To date, class counsel has been excluded from these meetings, but if invited,  
18 Plaintiff has concerns about lawyers negotiating with non-lawyer clients.

19 4. The continued litigation will put pressure on all parties to move  
20 settlement talks forward at a faster pace. To date, it would appear that the pace of  
21 settlement talks has been rather leisurely.

22 Depending on the response to these issues, Plaintiff may reconsider his position on  
23 the stay. However, the moving parties should better articulate the harm they will suffer  
24 by proceeding with the litigation while engaged in settlement talks.

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**B. Trial Setting Should be Continued In Any Event**

Plaintiff agrees that the Court should probably defer trial setting until such time as the necessary parties are before the Court.

DATED: July 31, 2009

LAW OFFICES OF MICHAEL D. McLACHLAN  
LAW OFFICE OF DANIEL M. O'LEARY

By: \_\_\_\_\_ //s//  
Michael D. McLachlan  
Attorneys for Plaintiff

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**PROOF OF SERVICE**

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and am not a party to the within action. My business address is 523 West Sixth Street, Suite 215, Los Angeles, California 90014.

On July 31, 2009, I caused the foregoing document(s) described as **RICHARD WOOD'S OPPOSITION TO MOTION TO STAY**

to be served on the parties in this action, as follows:

- ( X ) (BY ELECTRONIC SERVICE) by posting the document(s) listed above to the Santa Clara County Superior Court website: [www.scefiling.org](http://www.scefiling.org) regarding the Antelope Valley Groundwater matter.
- ( ) (BY U.S. MAIL) I am readily familiar with the firm's practice of collection and processing of documents for mailing. Under that practice, the above-referenced document(s) were placed in sealed envelope(s) addressed to the parties as noted above, with postage thereon fully prepaid and deposited such envelope(s) with the United States Postal Service on the same date at Los Angeles, California, addressed to:
- ( ) (BY FEDERAL EXPRESS) I served a true and correct copy by Federal Express or other overnight delivery service, for delivery on the next business day. Each copy was enclosed in an envelope or package designed by the express service carrier; deposited in a facility regularly maintained by the express service carrier or delivered to a courier or driver authorized to receive documents on its behalf; with delivery fees paid or provided for; addressed as shown on the accompanying service list.
- ( ) (BY FACSIMILE TRANSMISSION) I am readily familiar with the firm's practice of facsimile transmission of documents. It is transmitted to the recipient on the same day in the ordinary course of business.
- (X) (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.
- ( ) (FEDERAL) I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

\_\_\_\_\_  
//s//  
Carol Delgado